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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,894	03/29/2004	Makoto Fujii	325772035500	1103
7590	06/16/2005			EXAMINER LEUNG, PHILIP H
Barry E. Bretschneider Morrison & Foerster LLP Suite 300 1650 Tysons Boulevard McLean, VA 22102			ART UNIT 3742	PAPER NUMBER
DATE MAILED: 06/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/810,894	FUJII ET AL.	
	Examiner	Art Unit	
	Philip H. Leung	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_.
- 2a)  This action is FINAL.                                    2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-15 is/are rejected.
- 7)  Claim(s) \_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 29 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3-29-2004
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_

DETAILED ACTION

1. Figure 15 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,373,036), in view of Yamaguchi (US 5,666,627).

Suzuki shows an image forming apparatus comprising an image forming unit for forming a toner image and an induction heating fixing device of induction heating type for fixing to a sheet the toner image formed by the image forming unit while conveying the sheet, further comprising: a fixing member 1 formed of conductive material; a pressurizing member 15 for temporarily pinching the sheet 10 being conveyed between the pressurizing member and the fixing member, wherein the pressurizing member is provided in pressure contact with the fixing member; a holder 17; an exciting coil 6 for inductively heating the fixing member, wherein the exciting coil is composed of a plurality of turns of conductor forming a layer which is supported by the holder and is positioned along the fixing member; and a demagnetizing coil 7, 8 which is positioned along the layer of the exciting coil and in which a back electromotive force is induced in accordance with a magnetic field produced by the exciting coil, so as cancel the magnetic field (see Figures 1-8 and col. 7, line 58 – col. 8, line 7). Therefore, Suzuki shows every feature and structure except that the coil and holder are located inside the object being heated. Yamaguchi discloses an induction image fixing device having an induction heating element 207 formed of a support 208 and an induction coil 209 located outside the heating roller 201 (Figure 3) or an induction heating element 270 with holder support 272 and an induction coil 271 inside the heating roller 201 (Figure 9) (see col. 4, lines 18-63 and col. 7, line 49 – col. 8, line 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Suzuki to position the induction heating part outside the heating roller instead of inside the roller so that the induction heating part can be easily removed or adjusted, in view of the

teaching of Yamaguchi. The exact relative location between the demagnetizing coil and the main induction coil would be a matter of engineering expediency depending on the load conditions. In regard to claims 2 and 8, Suzuki also includes ferrite cores 2-4. In regard to claims 6, 13 and 14, the use of a switching circuit for controlling the on-off of the demagnetizing coil is the same as the control section 12 of Suzuki. Furthermore, as admitted by the applicant, the same is known in the art of induction image fixing devices (see paragraph [0006] of the specification).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (571) 272-4782.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 472-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip H Leung  
Primary Examiner  
Art Unit 3742

P.Leung/pl  
6-10-2005